

**REMARKS/ARGUMENTS**

Claims 1 – 12 are pending in the application. Claims 1, 2, and 4 – 11 have been amended. New claims 13 – 15 have been added. Support for the amendments is found in the specification, claims, and drawings as originally filed. Applicant respectfully submits therefore that the amendments do not add new matter.

**CLAIM REJECTIONS – 35 USC §102**

Claims 1 - 12 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,218,930 to Bell (hereinafter Bell).

Applicant respectfully submits that claims 1 - 12 are not anticipated by Bell. Claims 1 – 12 include the limitation of an inline power control signal that indicates when to apply power to a port when there is no power applied to the port and when to remove power from the port when there is power applied to the port. Claim 1, for example includes the following limitations.

A physical layer for an inline power device of a network power system, the physical layer comprising:  
an inline power control signal source, wherein the inline power control signal is configured to indicate when to apply power to a port when there is no power applied to the port and when to remove power from the port when there is power applied to the port.

(Claim 1) (Emphasis added)

Applicant respectfully submits that Bell fails to disclose or suggest the claimed limitations. Bell does disclose that the powerable devices may include a physical layer, but Bell does not disclose a physical layer of an inline power device having an inline power control signal that is configured to indicate when to apply power when there is no

power applied to the port and when to remove power from the port when there is power applied to the port.

Bell discloses the following.

“FIG. 1 shows a remote powerability system 20 which is suitable for use by the invention. The system 20 is a computer network which includes a device 22-A (e.g., an IP phone) and a device 22-B (e.g., an IP switch). The devices 22-A, 22-B (collectively, devices 22) communicate with each other through a connecting medium 24. In one arrangement, the devices 22 include physical layer devices (PHY), and the connecting medium 24 includes a Medium Dependent Interface (MDI) having multiple lines for carrying signals between the devices 22 (e.g., 10BaseT, 100BaseT, etc.). The system 20 further includes a power apparatus 26 which connects with the device 22-B through connections 28. The power apparatus 26 includes a controller 30, a signal generator 32 and a detector 34. Further details of the invention will now be discussed with reference to FIG. 2.”

(Bell, Col. 4, lines 18 – 33)

This section of Bell discloses that a physical layer is not required on either the phone or the switch. Further, it clearly discloses that even if a physical layer is included on the switch, it is not the source of the inline power control signal. Rather, in Bell a power apparatus connected to the switch includes a signal generator. This point is made clear by the immediately subsequent portion of Bell.

“FIG. 2 shows a procedure 40 which is performed by the power apparatus 26 in order to discover a powerability condition of the system 20 of FIG. 1. In particular, the power apparatus 26 performs the procedure 40 to determine whether the device 22-A is remotely powerable.

In step 42, the apparatus 26 provides a test signal (e.g., multiple voltages) to the connecting medium 24, and measures a response signal (e.g., current in response to the multiple voltages). In particular, the controller 30 configures the signal generator 32 to provide the test signal to the connecting medium 24 of the system 20 through the device 22-B. Additionally, the controller 30 configures the detector 34 to measure the response signal from the connecting medium 24 through the device 22-B.

(Bell, Col. 4, lines 34 - 47) (Emphasis added)

In contrast to Bell, it is the physical layer of the network power system that is the source of the inline power control signal as claimed. Bell does not disclose this limitation.

This distinction is further evidenced by Figure 3 and Figure 6 in that the control circuitry 80 and the current detectors 94-1, 94-2 are external to the device 22-B. Moreover, there is no signal or control between the device 22-B and the power apparatus 26.

Therefore applicant respectfully submits that claims 1 – 12 are not anticipated by Bell. Further, as discussed above, Bell does not require that either the phone or the switch include a physical layer. Therefore, applicant further respectfully submits that Bell does not suggest the claimed limitation of the physical layer comprising the inline power control signal source.

Applicant respectfully submits that new claims 13 – 15 are, likewise, not anticipated by Bell for similar reasons. New claim 13 includes the limitation of a physical layer of a port including an inline power control signal source the signal from which controls application of power to the port. As discussed above, Bell does not disclose or suggest such limitation.

CONCLUSION

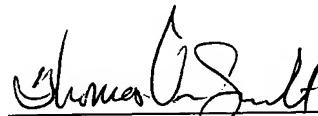
For at least the foregoing reasons, Applicant believes all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner has any further questions or comments concerning the amendments made herein, he is encouraged to telephone the undersigned at 408-282-1809.

Respectfully submitted,

Dated: \_\_\_\_\_

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